

1 BILL NO. G-88-05-05

2 GENERAL ORDINANCE NO. G-

1st

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
Plan by vacating a dedicated utility easement thereof.

5 WHEREAS, a petition to vacate a dedicated utility
6 eaement within the City of Fort Wayne (as more specifically
7 described below) was duly filed with the City Planning
8 Commission; and

9 WHEREAS, said Commission duly held a public hearing
10 thereon; and

11 WHEREAS, said Commission has duly forwarded its
12 recommendation to this body approving said petition, all in
13 accordance with I.C. 36-7-4-512(2) and this body having held
14 a public hearing on said vacation as provided in I.C. 36-7-
15 4-12; and

16 WHEREAS, this body concurs in the recommendation of the
17 City Planning Commission.

18 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the petition filed herein to vacate a
21 dedicated utility easement within the City of Fort Wayne,
22 more specifically described as follows, to-wit:

23 The south seven (7) feet of Lot 37 in Sunnyside
24 Gardens Addition.

25 and which vacating amends the Thoroughfare Plan of the City
26 Comprehensive ("Master") Plan and is hereby approved in all
27 respects.

28 SECTION 2. That this Ordinance shall be in full force
29 and effect from and after its passage, any and all necessary
30 approval by the Mayor.

31 *Janet L. Bradbury*
32 COUNCILMEMBER

1 APPROVED AS TO FORM AND LEGALITY:

2 J. Timothy McCaulay
3 J. TIMOTHY MCCAULAY, CITY ATTORNEY

4 ** Public hearing to be held on _____,
5 the _____ day of _____, 1988,
6 in the Council Chambers.

7
8 Sandra E. Kennedy, City Clerk
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Read the first time in full and on motion by Bradbury, seconded by Gudd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock, _____ M., E.S.T.

DATE: 5-10-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>LONG</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 8-23-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19____,

ATTEST: SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

OK # 1057

COMMUNITY DEVELOPMENT & PLANNING

No 2770

Ft. WAYNE, IND., 7-8 1988

RECEIVED FROM Ronald Walter \$ 100.00

THE SUM OF one hundred & 00/100 DOLLARS

ON ACCOUNT OF Utility Case Name Location
Twp.

AUTHORIZED SIGNATURE

VACATION ORDINANCE

PETITION TO VACATE DEDICATED UTILITY EASEMENT

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the dedicated utility easement within the City of Fort Wayne, Indiana, and hereby described as follows:

Lot 37 in Sunnyside Gardens, 2211 West Packard Ave.,
Utility easement is South seven foot of the property.

In support of the vacation of utility easement request is as follows:

1. Utility easement has not been used for utilities since the utility easement became effective in 1950.
2. In 1976, the prior property owner had a garage constructed on the property which is built three foot into the utility easement.
3. No other person, firm, or corporation is interested in or affected by the requested vacation.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 8TH DAY OF APRIL, 1988.

Ronald Walter Shirley D Walter
Adjacent Property Owner's
Signature

2211 W. PACKARD AVE, 46809
Adjacent Property Owner's
Address

RONALD WALTER SHIRLEY WALTER
Ronald Walter Shirley D Walter
Petitioner's Signature

2211 W. PACKARD AVE, 46809
Petitioner's Address

747-5140
Petitioner, Phone

#339

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation
DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P
SYNOPSIS OF ORDINANCE The south 7 feet of Lot 37 in Sunnyside Gardens Addition.

9-88-05-05

EFFECT OF PASSAGE Property is presently a dedicated utility easement.
Property will be vacated and revert to the use of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

G-88-05-05

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Utility Easement Vacation

DETAILS**Specific Location and/or Address**

The South 7 feet of Lot 37 in Sunnyside
Gardens Addition.

Reason for Project

To clear up an encroachment due to a garage
built into the easement.

Discussion (Including relationship to other Council actions)

16 May 1988 - Public Hearing

Ron Walter, 2211 W Packard Street, petitioner
stated that he was requesting the vacation
of the easement at the south end of the
lot because approximately 10 years ago a
garage was mistakenly built encroaching
into the easement some 3 feet. He stated
that they have not used this easement since
it was dedicated in 1950.

There was no one present who wished to
speak in favor of or in opposition to the
proposed vacation.

23 May 1988 - Business Meeting

Motion was made and seconded to return
the ordinance to the Common Council with
a DO PASS recommendation contingent upon
the petitioner providing utility easements
as necessary. Motion carried.

Of the eight (8) members present seven (7)
voted in favor of the motion one (1) did
not vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
Ron Walter

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 8 April 1988

Projected Completion or Occupancy

Date 7 July 1988

Fact Sheet Prepared by

Date 25 July 1988

Patricia Biancaniello

Reviewed by

Date

Greg Boster

7/27/88

Reference or Case Number



MEMORANDUM

25 July 1988

TO: City Council

FROM: V.C. Seth

RE: Bill No. G-88-05-05 - Utility Easement Vacation

Plan Commission's recommendation of Do Pass was based upon the condition that the applicant provide necessary utility easements at the new location as approved by all utility companies. Subsequent to Plan Commission's vote, Indiana and Michigan Electric informed them that they wish to retain the existing easement. Since one of the utility companies does not want to vacate the existing easement Plan Commission's recommendation becomes Do Not Pass.

The Planning Staff has discussed this with the applicant and the representatives of I&M and it is our understanding that I&M would issue an encroachment permit to the applicant that would allow the applicant to maintain the existing garage.

/pb

BILL NO. G-88-05-05

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the
Thoroughfare Plan of the City Comprehensive ("Master")
Plan by vacating a dedicated utility easement thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

JANET G. BRADBURY
CHAIRPERSON
MARK E. GIAQUINTA
VICE CHAIRMAN
CHARLES B. REDD

DAVID C. LONG

PAUL M. BURNS

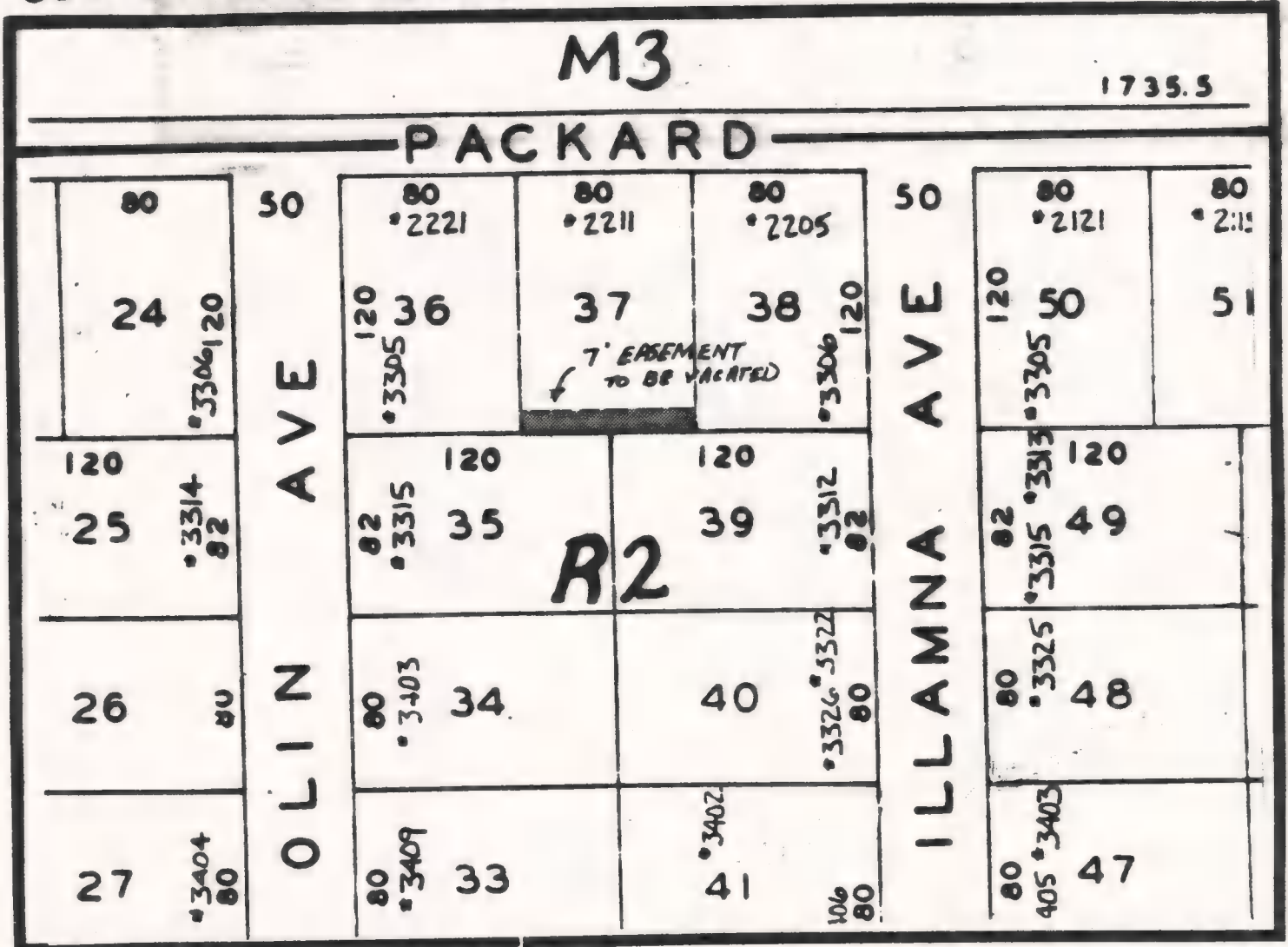
CONCURRED IN 8-23-88

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

VACATION PETITION A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY.

MAP NO. J-7

COUNCILMANIC DISTRICT NO. 4



ZONING:

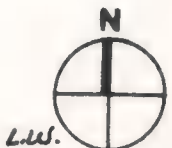
R2 RESIDENTIAL DISTRICT
M3 HEAVY INDUSTRY

LAND USE:

SINGLE FAMILY

SCALE: 1" = 75'

DATE: 4-28-88



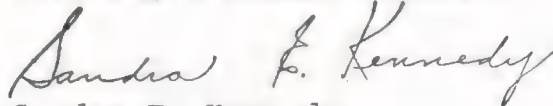
NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-88-05-05

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 23, 1988, 7:00 P.M., (EST) in Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The south 7 feet of Lot 37 in Sunnyside Gardens
Addition

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in cursive script, reading "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

All America City



Most Livable City

THE CITY OF FORT WAYNE

August 9, 1988

Ronald Walter
2211 W. Packard
Fort Wayne, IN 46809

NOTICE OF PUBLIC HEARING ON BILL NO. G-88-05-05

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, August 23, 1988, at 7:00 P.M., (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

The south 7 feet of Lot 37 in Sunnyside
Gardens Addition

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

All America City



Most Livable City

THE CITY OF FORT WAYNE

August 8, 1988

Ms. April Minnick
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Minnick:

Please give the attached full coverage on the date of August 11, 1988, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-88-07-30
User Charges
Bill No. G-88-05-05
Utility Easement

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

Fort Wayne Common Council
(Governmental Unit)To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, INAllen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

311418

COMPUTATION OF CHARGES

18 lines, 1 columns wide equals 18 equivalent lines
at .33 cents per line\$ 5.94Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 7.94

DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: August 11, 1988Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

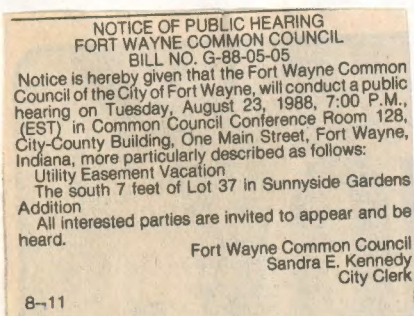
) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Denise Alexander who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

August 11, 1988Subscribed and sworn to before me this 11th day of August, 19 88.Shelley R. LaRue
Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990

Fort Wayne Common Council
(Governmental Unit)

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

3

11

4

18

COMPUTATION OF CHARGES

18 lines, 1 columns wide equals 18 equivalent lines
at .33 cents per line

\$ 5.94

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

2.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 7.94

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: August 11, 1988

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Denise Alexander who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

August 11, 1988

Subscribed and sworn to before me this 11th day of August, 1988

Shelley R. LaRue Notary Public
March 3, 1990

My commission expires:

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-88-05-05
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 23, 1988, 7:00 P.M., (EST) in Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:
Utility Easement Vacation
The south 7 feet of Lot 37 in Sunnyside Gardens Addition
All interested parties are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk